



MARYLAND DEPARTMENT OF
HUMAN SERVICES

Child Support Administration Enforcement Remedies

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Enforcement Overview:

- Process to secure compliance with court orders for child support.
- Court Orders based on Federal and State law (regulations) -- framework for enforcement.
- Use of a range of enforcement remedies is mandated by Federal and State law.

Enforcement Overview:

- The Child Support Enforcement System (CSES) generates enforcement remedies based on criteria established by federal regulations and state law.
- CSES standardizes enforcement remedies across counties.
- Some enforcement remedies are automatic as a function of federal regulation and state law.
- Remedies requiring judicial action are presented to child support workers for prior review to ensure compliance with federal regulations and state law and reflect case circumstances.

Enforcement Overview

- Delinquency / Noncompliance
 - Failure to comply with the support obligation.
 - Failure to make payments in an amount equal to the support payable for one month. (45 CFR 303.6(b))
- Time Frames for Commencing Enforcement Actions (45 CFR 303.6(c)(2))
 - 30 Calendar Days After Delinquency.
 - 60 Calendar Days after Service of Process.

Enforcement Remedies

- Federal regulations require states to legislatively provide courts the authority to use all available remedies to collect support.
 - Effective use of enforcement remedies directly impacts family income and county/state performance.
 - Administrative
 - Generally no court intervention is required.
 - Actions are automated in CSES.
 - Judicial
 - Requires court order with judge's signature.

Administrative Remedies

- Income Withholding
 - Family Law Article § 10-121.
 - Automatic unless no overdue support owed and parties agree in writing to another arrangement.
 - Top Enforcement Tool.
 - FFY 2020 Collections - \$369M.
 - FFY 2020 Unemployment Compensation Collections - \$32M.
- Credit Bureau Reporting
 - Family Law Article § 10-108.1.
 - At least two months of overdue support is owed.

Administrative Remedies

- Federal Tax Refund Offset
 - 42 U.S.C. §§ 654(18) and 664.
 - 45 CFR 303.72.
 - Overdue support assigned to TANF of \$150 or more.
 - Overdue support in non-TANF cases of \$500 or more.
 - FFY 2020 Collections - \$63 Million.
- State Tax Refund Offset
 - 45 CFR 303.102 & Family Law Article § 10-113.
 - Arrears are greater than \$150.
 - FFY 2020 Collections – \$5 Million.

Administrative Remedies

- Passport Denial
 - 42 U.S.C. § 654(31), 22 CFR 5160(a)(2) & 5162(a)(1).
 - Arrears must exceed \$2,500 for a passport to be denied.
- Liens on Real Property
 - 45 CFR 302.70(a)(4) and (9).
 - Family Law Article § 10-140.
 - At least one month of overdue support is owed.

Administrative Remedies

- Seizure of Monetary Awards (Worker's Compensation)
 - Family Law Article § 10-113.2
 - NCP in arrears of \$150 or more.
 - FFY 2020 Collections - \$873,754.
- Lottery and Casino Intercept
 - Family Law Article § 10-113.1.
 - NCP in arrears of \$150 or more and was issued check by the MSLGCA or was issued Internal Revenue Service form W-2G.
 - FFY 2020 Collections - \$562,000.

Judicial Remedies

- Civil Contempt
 - Family Law Article § 5-1041(d).
 - Willful failure to comply with a support order.
- Bench Warrants
 - Family Law Article § 5-1041(c).
 - Support conference or hearing.
- Posting Bond or Security
 - Family Law Article § 5-1042.
 - Affidavit filed with the Court that obligor may leave; or
 - The obligor has habitually failed to comply.

Judicial Remedies

- Financial Institution Data Match
 - 42 U.S.C. § 666(a)(17).
 - Family Law Article § 10-108.3.
 - \$500 or more in arrears.
 - The FIDM Alliance is a 20-state consortium, formed to enhance and collaborate on efforts of member states to collect the outstanding child support debt.
 - FFY 2020 Collections – \$2 Million.

Judicial Remedies

- License Suspension/Denial
 - At least three months of overdue support is owed; or
 - Failure to comply with a subpoena or warrant relating to paternity or child support.

Driver's License Suspension

- Family Law Article § 10-119.
- Noncommercial license 60 days or more out of compliance.
- Commercial license 120 days or more out of compliance.

Professional/Occupational License Suspension

- Family Law Article § 10-119.3
- 120 days or more out of compliance.

Recreational License Suspension

- Family Law Article § 10-119.3.
- 120 days or more out of compliance.

Enforcement

- Goal is to collect 100% of child support ordered within the month it is due and secure regular collections against arrears.
- Ensure payments to Maryland's families.
- Maximize federal incentive dollars

Brief History of Child Support

- Transition from Enforcement Focus



- Welfare Reform – 1996 “PRWORA”
- Child Support Performance – 1998 “CSPIA”
- Deficit Reduction Act – 2005 “Family First”
- Federal Flexibility, Efficiency, and Modernization Final Rule – 2017 “FEM Rule”
- Holistic Focus on Family

Managing Support Cases

- Initiatives to Improve Collections
 - Distribute support to families that was formerly retained by the state.
 - Deploy early intervention strategies to ensure obligors meet support obligations and do not fall into arrears.
 - Manage arrears by ensuring that realistic orders are entered consistent with the obligor's ability to pay.

Benefits of Realistic Orders

- Allows NCP to support children while still maintaining the ability to meet their own basic needs.
- Maintains NCP's incentive to work.
- Provides NCP incentive to pay.
- Establishes a realistic expectation of payment for custodial parent instead of an unfulfilled promise.
- Reflects actual circumstances of the family and obligor's ability to pay based on the Income Shares Model.

Proactive Strategies

- Early intervention programs
 - Outreach programs
 - Noncustodial Parent education
 - Prison inmates
 - Telephone contact when payments become due
- Job search and job training programs
- Amnesty programs

Noncustodial Parent Employment Programs (NPEP)

- Provide employment training and placement services designed specifically for NCPs for rapid attachment to the work force.
- 22 programs operate in Maryland in the following counties:
 - Allegany, Anne Arundel, Baltimore City, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Garrett, Harford, Howard, Kent, Prince George's, Queen Anne's, Somerset, St. Mary's Talbot, Wicomico, and Worcester.
- Facilitate unemployed and under-employed NCPs' attachment to the workforce, specifically job placement and retention initiatives, to increase the frequency of child support payments.

Families First

- Federal Deficit Reduction Act (DRA) of 2005
 - Provided the ability to distribute support to families that was previously retained to reimburse Maryland and the Federal Government for assistance payments.

Families First

- Provide a Support Pass-Through to a TANF family to \$100 for one child and \$200 for two or more children.
 - Supports the “family first” concept where child support collected is for the benefit of the family.
 - Promotes self-sufficiency by encouraging TANF families to seek child support from NCPs.
 - Provides additional income for TANF families who receive support.
 - Helps ensure that child support paid by low-income NCPs benefits their children.

Families First

- Limit the assignment of support rights to the period of time a family receives cash assistance. The assignment excludes arrears that accrued prior to the receipt of cash assistance, that are currently retained by DHS.

Families First

- Require all support collected through the Federal Tax Refund Offset Program (FTROP) be paid first to families that formerly received cash assistance before arrearages owed to the State of Maryland.
 - Promotes self-sufficiency.
 - Increases parental income available to children, further encouraging the payment of support.
 - Changes the perception that collection of child support benefits government and not children.

2020 Legislation

Suspension of Arrears for Incarcerated Obligor

- Brings Maryland into compliance with Title 45 of the Code of Federal Regulations (CFR) § 303.8, which was modified by the Federal Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (FEM) rule that took effect on January 19, 2017.

Suspension of Arrears for Incarcerated Obligor

- Amends Maryland Family Law §12-104.1 (b) to state that a child support payment is not past due and arrearages may not accrue during any period when the obligor is incarcerated, and continuing for 60 days after the obligor's release from confinement, ***“if the obligor was incarcerated for more than 180 consecutive calendar days.”***
- By reducing the length of incarceration in the statute from 18 months to 180 days, this amendment complies with the Federal Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (FEM) rule while recognizing the necessity of reforming how child support debt accumulates for incarcerated parents in Maryland.

Child Support Guidelines – Shared Physical Custody

- Remedies a precipitous drop, or “cliff effect”, from the amount of child support owed by a parent who has the child for 127 total overnight stays during the year (just below the current shared custody threshold) to the amount owed by a parent who has 128 overnight stays.
- The addition of just one or two overnight stays per year can have an enormous impact on the amount of child support owed leading to conflict between parents that can have a detrimental impact on the interests of the child involved.

Child Support Guidelines – Shared Physical Custody

- Amends Family Law Article § 12-201 to define “shared physical custody adjustments” for child support cases when a parent keeps the child overnight for more than 25% (at least 92 overnight stays) but less than 30% (not more than 109 overnights) of the year.
- Levels out the cliff effect in child support amounts to allow parents to focus on the best interest of their child rather than focusing on the financial implications under the current guidelines.

Child Support Guidelines - Schedule Revision

- Maryland's current child support guidelines, which went into effect in 2010 are based on economic data from 2008.
- Brings Maryland into compliance with current federal regulations such as the Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Rule (FEM) 81 Fed. Reg. 93492 (Dec. 20, 2016), which requires states to adopt policies that result in child support orders based on a noncustodial parent's actual earnings and income and take into account the basic subsistence needs of low-income noncustodial parents.

Child Support Guidelines - Schedule Revision

- Fights poverty and improves the collection of child support by amending Family Law Article § 12-201 to add a definition for a “Self-Support Reserve” (SSR), which is an adjustment to a low-income obligor’s monthly support obligation ensuring that, after the payment of taxes and child support, he or she has enough money for food, housing and transportation.

Child Support Guidelines - Schedule Revision

- Creates a more accurate statutory definition for the term “voluntarily impoverished” in Family Law §12-201 clarifying that a parent can only be categorized as such if he or she has made a “free and conscious choice” – not compelled by economic factors beyond his or her control – to render him or herself without adequate resources.
- Complies with the federal FEM rule by amending the definition of “potential income” found in Family Law §12-201 and setting out factors a court must consider when calculating potential income for a noncustodial parent.
- Expands the child support guidelines to provide presumptively-correct child support amounts in cases with combined monthly incomes up to \$30,000. The current guidelines only extend to combined monthly incomes of \$15,000.

Questions?

